

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIEGO B. RODRIGUEZ,

Petitioner,

-v-

UNITED STATES OF AMERICA,

Respondent.  
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JED S. RAKOFF, U.S.D.J.

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: 09-cv-02063 (JSR) (JLC)

: 00-cr-00761 (JSR)  
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: ORDER  
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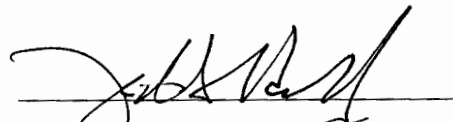
On August 28, 2018, the Honorable James L. Cott, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending denying petitioner Diego B. Rodriguez's motion for relief pursuant to Rule 60(b) of the Federal Rules of Civil Procedure. Specifically, Magistrate Judge Cott recommended denying Rodriguez's motion as beyond the scope of Rule 60(b). While no objections to the Report and Recommendation, which were due by September 11, 2018, have been filed, the Court has reviewed the underlying record de novo.

Having done so, the Court finds itself in complete agreement with Magistrate Judge Cott's excellent Report and Recommendation and hereby adopts its reasoning by reference. Accordingly, the Court hereby denies Rodriguez's motion as

beyond the scope of Rule 60(b). The Clerk is instructed to close  
docket number 349 in case 00-cr-00761 (JSR).

SO ORDERED.

Dated: New York, NY  
September 13, 2018

  
JED S. RAKOFF, U.S.D.J.